



**For Immediate Release**  
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## **Legislation to Eliminate Discriminatory Language in Property Documents Heads to Governor's Desk**

**SACRAMENTO, Calif.** – The Senate and Assembly passed Assembly Bill 985 with bipartisan support, authored by Assemblymember Hector De La Torre (D-South Gate), which will remove discriminatory language from any document related to the title of a house.

While some restrictive covenants are beneficial and only intend to preserve some aspect of a property and its surrounding environment, others have a dark history. Restrictive covenants restricted the sale of property to members of specific ethnic, religious, or other groups.

“It is unbelievable that offensive language is still allowed to remain in housing documents,” said De La Torre. “Although the language is often hidden away, there is no justifiable reason to simply ignore this hurtful language as if it does not exist. This legislation will wipe out the legacy of discriminatory language remaining in legal papers.”

Under current law, homeowners may request that the language be stricken. However, few Californians are aware of this option and find the process burdensome and too difficult to navigate. In fact, Sacramento County only had eleven homeowners take advantage of this option since the law took effect in 2006, when it is estimated that there are hundreds of thousands of such discriminatory restrictive covenants statewide.

“Though legally unenforceable, restrictive covenants continue to foster this discrimination. They send the message that discrimination is permissible, when in fact it’s illegal. It is imperative to get this language removed,” said Marjorie Murray, President of the Center for California Homeowner Association Law. “Our Center routinely documents discrimination against seniors, the disabled, and members of the ethnic communities listed in racially restrictive covenants.”

Assembly Bill 985 requires that illegal discriminatory language be proactively removed from all property related documents. Specifically, the bill will authorize a title insurance company, Escrow Company, real estate broker, real estate agent, or other persons to record a Restrictive Covenant Modification to move the illegal language. Upon receipt, the county counsel will make a determination whether the language identified in the original document contains a discriminatory restrictive covenant – removing these legalized stains that continue to serve as haunting reminders of a troubled past.

Assembly Bill 985 is awaiting action by Governor Schwarzenegger.

### **Background:**

In the *Shelley v. Kraemer* (1948) decision, the United States Supreme Court ruled that discriminatory restrictive covenants were unenforceable because these provisions were used for segregationist purposes. Although they are now void, these covenants remain in living deed instruments and other documents, serving as painful reminders of past practices of a divided California.